

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

Christopher M. Curran (*pro hac vice*)

ccurran@whitecase.com

Lucius B. Lau (*pro hac vice*)

alau@whitecase.com

Dana E. Foster (*pro hac vice*)

defoster@whitecase.com

White & Case LLP

701 Thirteenth Street, N.W.

Washington, DC 20005

Telephone: (202) 626-3600

Facsimile: (202) 639-9355

Counsel to Defendants Toshiba Corporation,

Toshiba America, Inc., Toshiba America

Information Systems, Inc., Toshiba America

Consumer Products, L.L.C., and Toshiba

America Electronic Components, Inc.

[Additional stipulating parties on signature
page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Case No. 07-5944 JST
MDL No. 1917

This Document Relates to:

Best Buy Co., Inc. et al. v. Hitachi Ltd., et al.,
No. 3:11-cv-05513;

Best Buy Co., Inc., et al. v. Technicolor SA, et
al., No. 13-cv-05264;

CompuCom Systems, Inc. v. Hitachi, Ltd., et
al. No. 2:11-cv-06396;

**THE TOSHIBA DEFENDANTS AND
DAPS' STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
THE COURT'S DECEMBER 8, 2015
ORDER DIRECTING THE TOSHIBA
DEFENDANTS TO AMEND THEIR
RULE 26 DISCLOSURES**

THE TOSHIBA DEFENDANTS AND DAPS' STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT'S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES

Case No. 07-5944 JST
MDL No. 1917

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

1 *Costco Wholesale Corp. v. Hitachi, Ltd, et al.*,
2 Case No. 11-cv-06397;

3 *Costco Wholesale Corporation v.*
4 *Technicolor SA, et al.*, No. 13-cv-05723;

5 *Electrograph Systems, Inc., et al. v. Hitachi,*
6 *Ltd., et al.*, No. 3:11-cv-01656;

7 *Electrograph Systems, Inc., et al. v.*
8 *Technicolor SA, et al.*, No. 13-cv-05724;

9 *Interbond Corp. of Am. v. Hitachi, Ltd. et al.*,
10 No. 3:11-cv-06275;

11 *Interbond Corp. of Am. v. Technicolor SA,*
12 *et al.*, No. 13-cv-05727;

13 *P.C. Richard & Son Long Island Corp., et al.,*
14 *v. Hitachi, Ltd., et al.*, No. 3:12-cv-02648;

15 *P.C. Richard & Son Long Island Corporation,*
16 *et al. v. Technicolor SA, et al.*, No. 13-cv-
17 05725;

18 *Schultze Agency Services, LLC v. Hitachi,*
19 *Ltd., et al.*, No. 3:12-cv-2649;

20 *Schultze Agency Services, LLC v. Technicolor*
21 *SA, Ltd., et al.*, No. 13-cv-05668;

22 *Sharp Elec. Corp. v. Hitachi, Ltd., et al.* No.
23 3:13-cv-01173;

24 *Sharp Elec. Corp., et al. v. Koninklijke*
25 *Philips Electronics N.V., et al.*, No. 13-cv-
26 2776; and

27 *Tech Data Corp., et al. v. Hitachi, Ltd., et al.*,
28 No.13-cv-00157.

THE TOSHIBA DEFENDANTS AND DAPS' STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT'S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES
Case No. 07-5944 JST
MDL No. 1917

1 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America
2 Information Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba
3 America Electronic Components, Inc. (collectively, the “Toshiba Defendants”) and the
4 undersigned Direct Action Plaintiffs (the “DAPs”) have conferred by and through their
5 counsel and, subject to the Court’s approval, HEREBY STIPULATE AS FOLLOWS:

6 WHEREAS, on August 1, 2014, the Toshiba Defendants served the Plaintiffs with the
7 Toshiba Entities’ Amended Rule 26(a)(1) Initial Disclosures, thereby adding five people,
8 including Tomohito Amano, to their Rule 26(a)(1) Initial Disclosures as individuals who may
9 have information that the Toshiba Defendants may use to support their claims or defenses;

10 WHEREAS, on September 2, 2014, the Plaintiffs filed a motion with Special Master
11 Walker seeking an order compelling the depositions of Mr. Amano and the four other
12 individuals added to the Toshiba Defendants’ Rule 26(a)(1) Initial Disclosures on August 1,
13 2014;

14 WHEREAS, on October 1, 2014, the Toshiba Defendants served the Plaintiffs with the
15 Toshiba Entities’ Second Amended Rule 26(a)(1) Initial Disclosures, thereby withdrawing
16 Mr. Amano from their Rule 26(a)(1) Initial Disclosures as an individual who may have
17 information that the Toshiba Defendants may use to support their claims or defenses;

18 WHEREAS, on November 20, 2014, Special Master Walker issued the Order re
19 Plaintiffs’ Motion to Compel Depositions of Toshiba Witnesses (Dkt. No. 3146), in which
20 Special Master Walker granted the Plaintiffs’ motion to compel, concluded that the Toshiba
21 Defendants “failed to update [their] Rule 26 initial disclosures,” and ordered the Toshiba
22 Defendants to amend their Rule 26(a)(1) Initial Disclosures regarding Mr. Amano;

23 WHEREAS, on November 24, 2014, the Toshiba Defendants filed Objections to the
24 Special Master’s November 20, 2014 Recommended Order (“Objections”) (Dkt. No. 3154), in
25 which the Toshiba Defendants argued, in part, that they had no obligation to update their Rule
26 26(a)(1) Initial Disclosures;

27
28
THE TOSHIBA DEFENDANTS AND DAPS’ STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT’S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES

Case No. 07-5944 JST

MDL No. 1917

1 WHEREAS, on November 23, 2015, the Court held a hearing regarding the Toshiba
2 Defendants' Objections and sustained the Objections in part;

3 WHEREAS, on November 23, 2015, the Court issued a Minute Entry (Dkt. No. 4208)
4 directing the parties to confer regarding proposed language regarding Mr. Amano to include
5 in the Toshiba Defendants' Rule 26(a)(1) Initial Disclosures, and directing that, by December
6 10, 2015, the Toshiba Defendants either file a proof of service of their amended Rule 26(a)(1)
7 Initial Disclosures (if the parties agreed on proposed language regarding Mr. Amano), or for
8 the parties to submit competing proposals to the Court (if the parties were unable to agree on
9 proposed language);

10 WHEREAS, on December 8, 2015, the Court issued the Order Adopting in Part and
11 Denying in Part Report and Recommendation (Dkt. No. 4228), in which the Court *inter alia*,
12 held that the Toshiba Defendants did not breach any discovery obligation and had no
13 obligation to update their Rule 26(a)(1) Initial Disclosures, and extended the deadline until
14 December 17, 2015, for either the Toshiba Defendants to file a proof of service of their
15 amended Rule 26(a)(1) Initial Disclosures or for the parties to submit competing proposals;

16 WHEREAS, the parties conferred pursuant to the Court's December 8, 2015 order;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the
18 undersigned parties as follows:

- 19 1. The Toshiba Defendants need not further amend their Rule 26(a)(1) Initial
20 Disclosures with respect to Tomohito Amano; and therefore
- 21 2. The Toshiba Defendants need not file a proof of service with the Court.

22
23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25 Dated: December 18, 2015

26 
27 Hon. Jon S. Tigar
28 United States District Judge

THE TOSHIBA DEFENDANTS AND DAPS' STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT'S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES

Case No. 07-5944 JST

MDL No. 1917

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

Dated: December 17, 2015

Respectfully submitted,

WHITE & CASE LLP

By: /s/ Lucius B. Lau

Christopher M. Curran (*pro hac vice*)
ccurran@whitecase.com

Lucius B. Lau (*pro hac vice*)
alau@whitecase.com

Dana E. Foster (*pro hac vice*)
defoster@whitecase.com

701 Thirteenth Street, N.W.

Washington, DC 20005

tel.: (202) 626-3600

fax: (202) 639-9355

*Counsel to Defendants Toshiba Corporation,
Toshiba America, Inc., Toshiba America
Information Systems, Inc., Toshiba America
Consumer Products, L.L.C., and Toshiba
America Electronic Components, Inc.*

By: /s/ Roman Silberfeld

Roman Silberfeld

David Martinez

Jill S. Casselman

ROBINS KAPLAN LLP

2049 Century Park East, Suite 3400

Los Angeles, CA 90067-3208

Telephone: (310) 552-0130

Facsimile: (310) 229-5800

Email: rsilberfeld@robinskaplan.com

dmartinez@robinskaplan.com

jscasselman@robinskaplan.com

Elliot S. Kaplan

K. Craig Wildfang

Laura E. Nelson

ROBINS KAPLAN LLP

THE TOSHIBA DEFENDANTS AND DAPS' STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT'S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES

Case No. 07-5944 JST

MDL No. 1917

White & Case LLP
701 Thirteenth Street, NW
Washington, DC 20005

800 LaSalle Avenue
2800 LaSalle Plaza
Minneapolis, MN 55402
Telephone: (612) 349-8500
Facsimile: (612) 339-4181
Email: eskaplan@robinskaplan.com
kcwildfang@robinskaplan.com
lenelson@robinskaplan.com

Counsel for Plaintiffs Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., and BestBuy.com, L.L.C.

By: /s/ Kenneth A. Gallo

Kenneth A. Gallo (pro hac vice)
Joseph J. Simon (pro hac vice)
Craig A. Benson (pro hac vice)
PAUL WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006
Telephone: (202) 223-7300
Facsimile: (202) 223-7420
Email: kgallo@paulweiss.com
jsimons@paulweiss.com
cbenson@paulweiss.com

Stephen E. Taylor (SBN 058452)
Jonathan A. Patchen (SBN 237346)
TAYLOR & COMPANY LAW OFFICES, LLP
One Ferry Building, Suite 355
San Francisco, California 94111
Telephone: (415) 788-8200
Facsimile: (415) 788-8208
Email: staylor@tcolaw.com
jpatchen@tcolaw.com

THE TOSHIBA DEFENDANTS AND DAPS' STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT'S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES

Case No. 07-5944 JST

MDL No. 1917

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

*Counsel for Sharp Electronics Corporation;
Sharp Electronics Manufacturing Company of
America, Inc.*

By: /s/ Philip J. Iovieno

Philip J. Iovieno
Anne M. Nardacci
BOIES, SCHILLER & FLEXNER LLP
30 South Pearl Street, 11th Floor
Albany, NY 12207
Telephone: (518) 434-0600
Facsimile: (518) 434-0665
Email: piovieno@bsfllp.com

William A Isaacson
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave, NW, Suite 800
Washington, DC 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131
Email: wisaacson@bsfllp.com

Stuart Singer
BOIES, SCHILLER & FLEXNER LLP
401 East Las Olas Blvd., Suite 1200
Fort Lauderdale, FL 33301
Telephone: (954) 356-0011
Facsimile: (954) 356-0022
Email: ssinger@bsfllp.com

*Liaison Counsel for Direct Action Plaintiffs and
Attorneys for Plaintiffs Electrograph Systems,
Inc., Electrograph Technologies Corp., Office
Depot, Inc., CompuCom Systems, Inc., Interbond
Corporation of America, P.C. Richard & Son
Long Island Corporation, MARTA Cooperative of
America, Inc., ABC Appliance, Inc., Schultze
Agency Services LLC on behalf of Tweeter Opco,
LLC and Tweeter Newco LLC, and Tech Data*

THE TOSHIBA DEFENDANTS AND DAPS' STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT'S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES

Case No. 07-5944 JST

MDL No. 1917

Corporation and Tech Data Product Management, Inc.

By: /s/ David G. Burman

David J. Burman (pro hac vice)
Cori G. Moore (pro hac vice)
Eric J. Weiss (pro hac vice)
Nicholas H. Hesterberg (pro hac vice)
Steven D. Merriman (pro hac vice)
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: (206) 359-8000
Facsimile: (206) 359-9000
Email: dburman@perkinscoie.com
cgmoores@perkinscoie.com
ehweiss@perkinscoie.com
nhesterberg@perkinscoie.com
smerriman@perkinscoie.com

Joren Bass, Bar No. 208143
PERKINS COIE LLP
505 Howard Street, Suite 1000
San Francisco, CA 94105
Telephone: (415) 344-7120
Facsimile: (415) 344-7320
Email: jbass@perkinscoie.com

Counsel for Plaintiff Costco Wholesale Corporation

Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that the concurrence in the filing of this document has been obtained from each of the above signatories.

THE TOSHIBA DEFENDANTS AND DAPS' STIPULATION
AND ~~PROPOSED~~ ORDER REGARDING THE COURT'S DECEMBER 8, 2015 ORDER
DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES

Case No. 07-5944 JST

MDL No. 1917

CERTIFICATE OF SERVICE

On December 17, 2015, I caused a copy of the “THE TOSHIBA DEFENDANTS AND DAPS’ STIPULATION AND [PROPOSED] ORDER REGARDING THE COURT’S DECEMBER 8, 2015 ORDER DIRECTING THE TOSHIBA DEFENDANTS TO AMEND THEIR RULE 26 DISCLOSURES” to be electronically filed via the Court’s Electronic Case Filing System, which constitutes service in this action pursuant to the Court’s order of September 29, 2008.

By: /s/ Lucius B. Lau
Lucius B. Lau